



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494  
Phone: 209.525.6700 Fax: 209.525.6774

July 27, 2018

Riverdale Park Tract Community Services District  
Attn: Linda Nunes  
PO Box 580343  
Modesto, CA 95358

**RE: TRANSMITTAL OF CITATION NO. DER-18C-010 FOR VIOLATION OF WATER SUPPLY PERMIT  
NUMBER 2015-03-014**

The Riverdale Park Tract Community Services District Water System failed to conduct monitoring of raw water coliform quality each calendar quarter as specified in Provision Number 7 of Water Supply Permit Number 2015-03-014, issued on March 16, 2015. The Stanislaus County Department of Environmental Resources has issued Citation No. DER-18C-010 in response to this violation. The citation is being transmitted to the Riverdale Park Tract Community Services District Water System under the cover of this letter. Please respond to each item of the Directives by the deadlines established in the citation.

Any person who is aggrieved by a citation issued by the Stanislaus County Department of Environmental Resources may file a petition with the State Water Resources Control Board (State Water Board) for reconsideration of the citation. Petitions must be received by the State Water Board within 30 calendar days of the issuance of the citation. The date of issuance is the date when the Stanislaus County Department of Environmental Resources mails or serves a copy of the citation, whichever occurs first. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:  
[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

Section 116650(d) and Section 116650(e) of the California Health and Safety Code allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 4 of the California Safe Drinking Water Act. Stanislaus County Ordinance provides that fees must be charged for staff time in responding to MCL violations. The fee charged is the Department's weighted labor rate of \$116.00 per hour, with a one-hour minimum. To date, 2.0 hours have been spent responding to the MCL violation. This Department will invoice you.

If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS  
Registered Environmental Health Specialist

Enclosure

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**Water System Number: 5000019**

**Issued:** July 27, 2018

VIA CERTIFIED MAIL/RETURN RECEIPT

7014 3490 0001 6849 4606

The California Health and Safety Code (hereinafter “CHSC”), Section 116650, authorizes the Stanislaus County Department of Environmental Resources, acting by and through its Division of Environmental Health (hereinafter “Environmental Health”), to issue a citation to a public water system when Environmental Health determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter “California SDWA”), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 Environmental Health, acting by and through its primacy delegation from the  
2 State Water Resources Control Board (State Water Board) hereby issues Citation No.  
3 DER-18C-010, pursuant to Section 116330 and 116650 of the CHSC, to the Riverdale  
4 Park Tract Community Services District (hereinafter "System"), for violation of the  
5 following provision of the Water Supply Permit Number 2015-03-014.

6 **Provision Number 7:**

7 Monitor raw water coliform quality each calendar quarter. Prior to sampling,  
8 assess first flush raw water for free chlorine using a test kit capable of detecting 0.05  
9 ppm and above of chlorine. Label raw water sample as "Special" and report chlorine  
10 testing results on the coliform quality Certificate of Analyses (COA).

11 A copy of the applicable statutes and regulations are included in Appendix A,  
12 which is attached hereto and incorporated by reference.

13 **STATEMENT OF FACTS**

14 The System is operated under Water Supply Permit Number 2015-03-014,  
15 which was issued on March 16, 2015. The System is located in Stanislaus County  
16 along W. Hatch Road, adjacent to the city of Modesto. The System is classified as a  
17 community water system that serves the residents of a community services district.  
18 According to the 2017 Annual Report submitted to Environmental Health, the System  
19 serves approximately 610 people through 178 service connections. None of these  
20 service connections are metered.

21 The System obtains its water supply from one active well (Well 03 West –  
22 5000019-003), located on Assessor Parcel Number 017-022-041 that is 120 feet  
23 deep, constructed in January of 1981 with a 50-foot cement annular seal and a 14-  
24 inch steel casing. An alternative water supply (Purchased Water – 5000019-006), is  
25 provided by an 8-inch emergency connection to the city of Modesto's water system.



**Water Supply Permit Number 2015-03-014, issued on March 16, 2015:**

Provision Number 7 of the Water Supply Permit Number 2015-03-014, issued to the System on March 16, 2015, stated: "Monitor raw water coliform quality each calendar quarter. Prior to sampling, assess first flush raw water for free chlorine using a test kit capable of detecting 0.05 ppm and above of chlorine. Label raw water sample as "Special" and report chlorine testing results on the coliform quality Certificate of Analyses (COA)". As of the date of this Citation, the System has not complied with Provision Number 7, since the issuance of Water Supply Permit Number 2015-03-014, as noted below in Table 1.

**Table 1 – Quarterly Raw Water Coliform Quality**

<b>Calendar Quarter</b>	<b>Sampling Results Reported</b>	<b>Chlorine Residual Results Reported</b>
1 <sup>st</sup> Quarter 2015	Yes	No
2 <sup>nd</sup> Quarter 2015	Yes	No
3 <sup>rd</sup> Quarter 2015	Yes	No
4 <sup>th</sup> Quarter 2015	Yes	No
1 <sup>st</sup> Quarter 2016	Yes	No
2 <sup>nd</sup> Quarter 2016	Yes	No
3 <sup>rd</sup> Quarter 2016	Yes	No
4 <sup>th</sup> Quarter 2016	Yes	No
1 <sup>st</sup> Quarter 2017	No	No
2 <sup>nd</sup> Quarter 2017	No	No
3 <sup>rd</sup> Quarter 2017	No	No
4 <sup>th</sup> Quarter 2017	No	No
1 <sup>st</sup> Quarter 2018	No	No
2 <sup>nd</sup> Quarter 2018	No	No

**DETERMINATION**

Based on the above Statement of Facts, Environmental Health has determined that the System has violated and continues to be in violation of Provision Number 7 of Water Supply Permit Number 2015-03-014.

## DIRECTIVES

The System is hereby directed to take the following actions:

1. Commencing on the date of service of this Citation, collect a raw water bacteriological water quality sample. Prior to sampling, assess first flush raw water for free chlorine using a test kit capable of detecting 0.05 ppm and above of chlorine. Label raw water sample as "Special" and report chlorine testing results on the coliform quality Certificate of Analyses (COA) and ensure that the analytical results are reported to Environmental Health by the analyzing laboratory no later than the August 10, 2018.
2. Commencing in September of 2018, and every three months thereafter, monitor raw water coliform quality, in accordance to Provision Number 7 of Water Supply Permit Number 2015-03-014. Prior to sampling, assess first flush raw water for free chlorine using a test kit capable of detecting 0.05 ppm and above of chlorine. Label raw water sample as "Special" and report chlorine testing results on the coliform quality Certificate of Analyses (COA)" and ensure that the analytical results are reported to Environmental Health by the analyzing laboratory no later than the 10<sup>th</sup> day following the month in which the analysis was completed.

Environmental Health reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be deemed effective upon issuance.

Nothing in this Citation relieves the System of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

1 All submittals required by this Citation shall be submitted to Environmental  
2 Health at the following address:

3 Rachel Riess, REHS  
4 Department of Environmental Resources  
5 3800 Cornucopia Way, Suite C  
6 Modesto, CA 95358

7 **PARTIES BOUND**

8 This Citation shall apply to and be binding upon the System, its officers,  
9 directors, shareholders, agents, employees, contractors, successors, and assignees.

10 **SEVERABILITY**

11 The Directives of this Citation are severable, and the System shall comply with  
12 each and every provision thereof, notwithstanding the effectiveness of any other  
13 provision.

14 **FURTHER ENFORCEMENT ACTION**


15 The California Safe Drinking Water Act (SDWA) authorizes Environmental  
16 Health to issue citations with assessment of administrative penalties to a public water  
17 system for violation or continued violation of the requirements of the California SDWA  
18 or any regulation, permit, standard, citation, or order issued or adopted thereunder  
19 including, but not limited to, failure to correct a violation identified in a citation or  
20 compliance order.

21 The California SDWA also authorizes the State Water Board to take action to  
22 suspend or revoke a permit that has been issued to a public water system if the  
23 system has violated applicable laws or regulations or has failed to comply with an  
24 order of Environmental Health; and to petition the superior court to take various  
25 enforcement measures against a public water system that has failed to comply with or  
26 violates an order of Environmental Health. Environmental Health does not waive any  
27 further enforcement action by issuance of this Citation.



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7/27/18  
Date

  
Rachel Riess, REHS  
Senior Environmental Health Specialist  
Division of Environmental Health  
Department of Environmental Resources  
Stanislaus County

Attachments:

1. Appendix A – Applicable Authorities



## APPENDIX A

### APPLICABLE AUTHORITIES

#### **Section 116650 of the CHSC states:**

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

#### **Section 116330 of the CHSC states:**

- (a) The department may delegate primary responsibility for the administration and enforcement of this chapter within a county to a local health officer authorized by the board of supervisors to assume these duties, by means of a local primacy delegation agreement if the local health officer demonstrates that it has the capability to meet the local primacy program requirements established by the department pursuant to subdivision (h) of Section 116375. This delegation shall not include the regulation of community water systems serving 200 or more service connections. The local primacy agreement may contain terms and conditions that the department deems necessary to carry out this chapter. The local primacy agreement shall provide that, although the local primacy agency shall be primarily responsible for administration and enforcement of this chapter for the designated water systems, the department does not thereby relinquish its authority, but rather shall retain*



## APPENDIX A

*jurisdiction to administer and enforce this chapter for the designated water systems to the extent determined necessary by the department.*

- (f) The local primacy agency shall act for the department as the primary agency responsible for the administration and enforcement of this chapter for the specified public water systems and shall be empowered with all of the authority granted to the department by this chapter over those water systems.*

### **Section 116555 of the CHSC states:**

- (a) Any person who owns a public water system shall ensure that the system does all of the following:*
  - (1) Complies with primary and secondary drinking water standards.*
  - (2) Will not be subject to backflow under normal operating conditions.*
  - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.*

### **§116701. Petitions to Orders and Decisions.**

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.*
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the*

## APPENDIX A

*petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*

- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*